

SECOND REGULAR SESSION

HOUSE BILL NO. 1908

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'CONNOR.

Read 1st time February 12, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4567L.011

AN ACT

To repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 301.010 and 301.227, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 301.010 and 301.227, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred
5 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be
6 straddled by the operator, and handlebars for steering control;

7 (2) "Automobile transporter", any vehicle combination designed and used specifically
8 for the transport of assembled motor vehicles;

9 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
10 included between two parallel transverse vertical planes forty inches apart, extending across the
11 full width of the vehicle;

12 (4) "Boat transporter", any vehicle combination designed and used specifically to
13 transport assembled boats and boat hulls;

14 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
15 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
16 or painting;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 17 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
18 passengers but not including shuttle buses;
- 19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
20 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
21 buses;
- 22 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
23 speeds less than forty miles per hour from field to field or from field to market and return;
- 24 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
25 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 26 (10) "Director" or "director of revenue", the director of the department of revenue;
- 27 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person
28 or motor carrier other than a dealer over any public highway, under its own power singly, or in
29 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery
30 either before or after sale;
- 31 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
32 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
33 equipped with a dromedary may carry part of a load when operating independently or in a
34 combination with a semitrailer;
- 35 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 36 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 37 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 38 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
39 vehicle in a saddlemount combination;
- 40 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
41 the weight of any load thereon;
- 42 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
43 result of the impact of hail;
- 44 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
45 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 46 (20) "Improved highway", a highway which has been paved with gravel, macadam,
47 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 48 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
49 the same;
- 50 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
51 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- 52 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally

53 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
54 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

55 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
56 commercial motor vehicle the operation of which is confined to:

57 (a) An area that extends not more than a radius of one hundred miles from its home base
58 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
59 from projects involving soil and water conservation, or to and from equipment dealers'
60 maintenance facilities for maintenance purposes; or

61 (b) An area that extends not more than a radius of twenty-five miles from its home base
62 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
63 from projects not involving soil and water conservation. Nothing in this subdivision shall be
64 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
65 local commercial motor vehicle;

66 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
67 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
68 or a commercial motor vehicle whose property-carrying operations are confined solely to the
69 transportation of property owned by any person who is the owner or operator of such vehicle to
70 or from a farm owned by such person or under the person's control by virtue of a landlord and
71 tenant lease; provided that any such property transported to any such farm is for use in the
72 operation of such farm;

73 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
74 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
75 state, used to transport harvested forest products, operated solely at a forested site and in an area
76 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
77 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the
78 national system of interstate and defense highways described in Title 23, Section 103(e) of the
79 United States Code, does not have more than four axles and does not pull a trailer which has
80 more than two axles. A local log truck may not exceed the limits required by law, however, if
81 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding
82 any other provisions of law to the contrary, such truck shall be subject to the weight limits
83 required by such sections as licensed for eighty thousand pounds;

84 (27) "Local transit bus", a bus whose operations are confined wholly within a municipal
85 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
86 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
87 such municipal corporation and such municipal corporation and adjacent commercial zone;

88 (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to

89 transport harvested forest products to and from forested sites which is registered pursuant to this
90 chapter to operate as a motor vehicle on the public highways of this state for the transportation
91 of harvested forest products;

92 (29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
93 and front clip, as those terms are defined by the director of revenue pursuant to rules and
94 regulations or by illustrations;

95 (30) "Manufacturer", any person, firm, corporation or association engaged in the
96 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

97 (31) "Mobile scrap processor", a business located in Missouri or any other state that
98 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
99 or scrap metal operator for recycling;

100 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
101 receives a new, rebuilt or used engine, and which used the number stamped on the original
102 engine as the vehicle identification number;

103 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
104 except farm tractors;

105 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
106 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
107 twelve thousand pounds:

108 (a) Offered for hire or lease; or

109 (b) The owner of which also owns ten or more such motor vehicles;

110 (35) "Motorcycle", a motor vehicle operated on two wheels;

111 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
112 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
113 produces less than three gross brake horsepower, and is capable of propelling the device at a
114 maximum speed of not more than thirty miles per hour on level ground;

115 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
116 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
117 A motortricycle shall not be included in the definition of all-terrain vehicle;

118 (38) "Municipality", any city, town or village, whether incorporated or not;

119 (39) "Nonresident", a resident of a state or country other than the state of Missouri;

120 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
121 compliance with United States emissions or safety standards;

122 (41) "Operator", any person who operates or drives a motor vehicle;

123 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
124 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease

125 thereof with the right of purchase upon performance of the conditions stated in the agreement
126 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
127 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
128 or mortgagor shall be deemed the owner for the purpose of this law;

129 (43) "Public garage", a place of business where motor vehicles are housed, stored,
130 repaired, reconstructed or repainted for persons other than the owners or operators of such place
131 of business;

132 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
133 rebuilder, but does not include certificated common or contract carriers of persons or property;

134 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
135 construction by the addition or substitution of two or more new or used major component parts,
136 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

137 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
138 substantially modified so that it may be used and is used for the purposes of temporary housing
139 quarters, including therein sleeping and eating facilities which are either permanently attached
140 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
141 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
142 vehicle if the motor vehicle could otherwise be so registered;

143 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
144 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
145 wrecker or towing service;

146 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck
147 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
148 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
149 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
150 wheel kingpin connection. When two vehicles are towed in this manner the combination is
151 called a double saddlemount combination. When three vehicles are towed in this manner, the
152 combination is called a triple saddlemount combination;

153 (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
154 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

155 (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of
156 condition or circumstance, has been declared salvage, either by its owner, or by a person, firm,
157 corporation, or other legal entity exercising the right of security interest in it, or [by an insurance
158 company as a result of settlement of a claim for loss due to damage or theft; or a vehicle] **on**
159 **which ownership has been assigned to an insurance company in settlement of a claim for**
160 **loss due to damage or theft**, ownership of which is evidenced by a salvage title; or abandoned

161 property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and
162 designated with the words "salvage/abandoned property";

163 (51) "School bus", any motor vehicle used solely to transport students to or from school
164 or to transport students to or from any place for educational purposes;

165 (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
166 corporation as an incidental service to transport patrons or customers of the regular business of
167 such person, firm, or corporation to and from the place of business of the person, firm, or
168 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
169 buses or as commercial motor vehicles;

170 (53) "Special mobile equipment", every self-propelled vehicle not designed or used
171 primarily for the transportation of persons or property and incidentally operated or moved over
172 the highways, including farm equipment, implements of husbandry, road construction or
173 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
174 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
175 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
176 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
177 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
178 shall not operate to exclude other such vehicles which are within the general terms of this
179 section;

180 (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been
181 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
182 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

183 (55) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
184 is located on a drop frame located behind and below the rearmost axle of the power unit;

185 (56) "Tandem axle", a group of two or more axles, arranged one behind another, the
186 distance between the extremes of which is more than forty inches and not more than ninety-six
187 inches apart;

188 (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
189 for drawing other vehicles, but not for the carriage of any load when operating independently.
190 When attached to a semitrailer, it supports a part of the weight thereof;

191 (58) "Trailer", any vehicle without motive power designed for carrying property or
192 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
193 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
194 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
195 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
196 trailers as defined in subdivision (8) of this section and shall not include manufactured homes

197 as defined in section 700.010, RSMo;

198 (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of
199 property;

200 (60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
201 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
202 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
203 semitrailer and has one less articulation point than the conventional "A dolly" connected
204 truck-tractor semitrailer-trailer combination;

205 (61) "Truck-trailer boat transporter combination", a boat transporter combination
206 consisting of a straight truck towing a trailer using typically a ball and socket connection with
207 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
208 trailer but so as to maintain a downward force on the trailer tongue;

209 (62) "Used parts dealer", a business that buys and sells used motor vehicle parts or
210 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
211 "Business" does not include isolated sales at a swap meet of less than three days;

212 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
213 firm, corporation, association, city, county or state agency, or any member thereof, for the
214 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
215 and from their place of employment; however, a vanpool shall not be included in the definition
216 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
217 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
218 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
219 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
220 monetary profit other than for use in a ride-sharing arrangement;

221 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
222 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
223 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
224 operated by handicapped persons;

225 (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
226 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
227 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
228 a replacement vehicle to replace a disabled or wrecked vehicle;

229 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a
230 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
231 tow truck, rollback or car carrier for which the operator directly or indirectly receives
232 compensation or other personal gain.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles not more than seven years old, it shall be mandatory that the purchaser apply for a salvage title, but on vehicles over seven years old, application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle of a 1954 model or older who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such certificate may be granted within thirty days of the submission of a request.

3. Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of title or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

37 6. The scrap metal operator shall keep a record, for three years, of the seller's name and
38 address, the salvage business license number of the licensee, date of purchase, and any vehicle
39 or parts identification numbers open for inspection as provided in section 301.225.

40 7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined
41 in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may
42 negotiate one reassignment of a salvage certificate of title on the back thereof.

43 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company
44 which settles a claim for a stolen vehicle shall be issued a negotiable salvage certificate of title
45 without the payment of any fee upon proper application within thirty days after settlement of the
46 claim for such stolen vehicle. **However, if the insurance company provides a certified**
47 **statement to the director upon recovery of the stolen vehicle indicating that the vehicle**
48 **sustained no damage, and returns any previously issued negotiable salvage certificate, the**
49 **director shall issue an original title with no salvage designation. Upon the issuance of an**
50 **original title, the director shall remove any indication of the negotiable salvage title,**
51 **previously issued to the insurance company, from the department's records.**